Remarks

Claims 1-12 were pending. No claims are added or cancelled. Therefore, claims 1-12 are still pending.

Claims 1-6 and 8 are amended to clarify that the virus suppression factor protein is isolated. Support can be found throughout the specification, for example see Examples 5-8 starting on page 23. Claims 4-6 and 8 are amended to depend from elected claim 1. No new matter is added by this amendment, and no amendments are made to distinguish prior art.

Applicants elect Group I (claims 1-3 and 10) with traverse.

It is asserted in paragraph 2 of the Restriction Requirement that the claims do not relate to a single inventive concept under PCT Rule 13.1, because under PCT Rule 13.2 they lack the same or special technical features that make a contribution over the prior art. Applicants disagree and request reconsideration. *The cited document (Vlaspolder et al., Arch. Virol. (1998) 98:123-30) teaches only neutralizing monoclonal antibodies against EMCV. However, the virus suppressing factor of the present invention is not an immunoglobulin.* As it is well-known in the art, an immunoglobulin is composed of four chains, two identical heavy chains and two identical light chains. However, the virus suppressing factor of the present invention is composed of a heavy chain whose molecular weight is about 55 kDa and three light chains (L1 and L2 with molecular weight of about 30 kDa each, and L3 with a molecular weight of about 25 kDa). Therefore, the virus suppressing factor of the present invention is different from the EMCV monoclonal antibodies provided in the cited Vlaspolder *et al.* document.

Further, although the immunoglobulin of Vlaspolder *et al.* has a suppressive effect only against EMCV, the virus suppressing factor of the present invention has wide range of antiviral activity. Indeed, the virus suppressing factor of the present invention demonstrates antiviral activity against Mengo virus, influenza virus, HIV, HCMV as well as EMCV. Therefore, the virus suppressing factor of the present invention provides a broader viral suppressive effect not observed by the antibodies disclosed in the cited Vlaspolder *et al.* document. Moreover, the

virus suppressing factor of the present invention gives contribution over the prior art, since it can be used for treatment of numerous diseases resulting from viral infection, not only for ECMV.

Therefore, because the virus suppressing factor of the present invention is distinct from the EMCV monoclonal antibodies disclosed in the cited Vlaspolder *et al.* document and provides broader viral suppressive activity, the virus suppressing factor of the present invention provides special technical features not found in the prior art cited. Because the virus suppressing factor of the present invention provides a special technical feature not found in the cited Vlaspolder *et al.* document, the restriction requirement is not proper, and Applicants request that it be reconsidered.

Applicants have amended the process of claims 4-6 and 8 to maintain dependency on the elected product claim (claim 1) so as to retain the right of rejoinder. Applicants submit that Groups I and Groups II, III, IV, and V are directed to related products (Group I) and processes (Groups II, III, IV and V). Accordingly, under MPEP 806.05(f) withdrawn process claims that depend from or otherwise include all the limitations of an allowable product claim should be rejoined. Therefore, Applicants request reconsideration of the restriction requirement.

If there are any questions regarding this amendment, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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